

# HOUSE . . . . . No. 3068

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Joseph R. Driscoll, Jr.**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to promote innovation, broadband deployment and investment in internet protocol services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Joseph R. Driscoll, Jr.	5th Norfolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT TO PROMOTE INNOVATION, BROADBAND DEPLOYMENT AND INVESTMENT IN INTERNET PROTOCOL SERVICES.

*Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to promote innovation, broadband deployment and investment in new technologies using Internet Protocol, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience;*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1: The General Court finds that growth and enhancement of advanced services using Internet Protocol technology provide Massachusetts consumers more choice in advanced services than at any other time. The proliferation of new technologies and applications and the growing number of providers developing and offering innovative services using Internet Protocol are due in large part to little barrier to investment, including freedom from state laws and regulations governing traditional telephone service, that these technologies have enjoyed in the Commonwealth, as well as recognition that federal law is more uniform in its oversight of Internet Protocol-enabled services. The economic benefits, including consumer choice, new jobs and significant capital investment, will be jeopardized and competition minimized by the imposition of traditional State entry, rate and service term regulation on Voice-over-Internet Protocol Service and Internet Protocol-enabled service.

SECTION 2: The following words and phrases when used in this act shall have the meanings given to them in this section:

"Voice-over-Internet Protocol Service" or "VoIP Service." Any service that:

- (a) enables real-time, two-way voice communications that originate from or terminate to the user's location in Internet Protocol or any successor protocol;
- (b) uses a broadband connection from the user's location; and
- (c) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

21 “Internet Protocol-enabled service” or “IP-enabled service.” Except as provided in the  
22 definition of “Voice-over-Internet Protocol service” herein, any service, capability,  
23 functionality, or application provided using Internet Protocol, or any successor protocol,  
24 that enables an end user to send or receive a communication in Internet Protocol format  
25 or any successor format, regardless of whether the communication is voice, data or  
26 video.

27 SECTION 3: Except as set forth in Sections 4, 5, and 6, and NOTWITHSTANDING any  
28 other provision of law, no department, agency, commission or political subdivision of  
29 the Commonwealth, shall enact, adopt or enforce, either directly or indirectly, any law,  
30 rule, regulation, ordinance, standard, order or other provision having the force or effect  
31 of law that regulates, or has the effect of regulating, the entry, rates, terms or conditions  
32 of VoIP Service or IP-enabled service.

33 SECTION 4. Nothing in this act shall be construed to affect the authority of the Attorney  
34 General, or its agencies’ application or enforcement of laws, to enforce the provisions of  
35 chapter ninety-three A.

36 SECTION 5. Nothing in this act shall be construed to affect, mandate or prohibit the  
37 assessment of nondiscriminatory enhanced 911 fees or telecommunications relay  
38 service fees.

39 SECTION 6. Nothing in this act may be construed to modify or affect the rights or  
40 obligations of any carrier pursuant to 47 U.S.C. s.251 or 47 U.S.C. s.252.

41 SECTION 7. This act shall take effect immediately.